B1 (Official Form 1)(4/10) United	States Bank		ourt				Voluntary Petition
· · · · · · · · · · · · · · · · · · ·	District of No	evada ———	N	-£ I-! D	-1 (C) (I t Final	
Name of Debtor (if individual, enter Last, First, Middle): McSwain, Edward Lawrence				Swain, L	ebtor (Spouse) aura) (Last, First,	Middle):
All Other Names used by the Debtor in the last (include married, maiden, and trade names):	8 years			All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):			
Last four digits of Soc. Sec. or Individual-Taxp (if more than one, state all) xxx-xx-6901	oayer I.D. (ITIN) No./	Complete EIN	(if more	our digits o than one, state	all)	Individual-T	axpayer I.D. (ITIN) No./Complete E
Street Address of Debtor (No. and Street, City, and State): 12083 Whitehills Street Las Vegas, NV ZIP Code			120	Street Address of Joint Debtor (No. and Street, City, and State): 12083 Whitehills Street Las Vegas, NV ZIP Code			
County of Residence or of the Principal Place of Clark		<u>89141</u>	Count	•	ence or of the	Principal Pla	ce of Business:
Mailing Address of Debtor (if different from st	reet address):		Mailir	ng Address	of Joint Debt	or (if differer	nt from street address):
	-	ZIP Code					ZIP Code
Location of Principal Assets of Business Debto (if different from street address above):	or		<u> </u>				I
Type of Debtor (Form of Organization) (Check one box) Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. □ Corporation (includes LLC and LLP) □ Partnership □ Other (If debtor is not one of the above entities, check this box and state type of entity below.)	(Checl ☐ Health Care Bu ☐ Single Asset R in 11 U.S.C. § ☐ Railroad ☐ Stockbroker ☐ Commodity Br ☐ Clearing Bank ☐ Other ☐ Tax-Exe	eal Estate as de 101 (51B) coker compt Entity x, if applicable) -exempt organ of the United S	ization States	defined "incurr	the I er 7 er 9 er 11 er 12	Petition is File Charles of Charles (Check onsumer debts, 101(8) as dual primarily	
Filing Fee (Check one bo Full Filing Fee attached Filing Fee to be paid in installments (applicable to attach signed application for the court's considera debtor is unable to pay fee except in installments. Form 3A. Filing Fee waiver requested (applicable to chapte attach signed application for the court's consideration.	o individuals only). Mus tion certifying that the Rule 1006(b). See Offic r 7 individuals only). Mu	cial Det Check if: Det are Check all Ust 3B. Acc	otor is a sr otor is not otor's aggi- less than applicable dan is bein ceptances	a small businegate nonco \$2,343,300 (e boxes: ng filed with of the plan w	debtor as defin ness debtor as d ntingent liquida amount subject this petition.	defined in 11 United debts (exc to adjustment	
Statistical/Administrative Information ■ Debtor estimates that funds will be availabl □ Debtor estimates that, after any exempt protection there will be no funds available for distribution Estimated Number of Creditors	perty is excluded and	nsecured credi	tors.		. ,	THIS	SPACE IS FOR COURT USE ONLY
1- 50- 100- 200- 49 99 199 999	1,000- 5,000 5,001- 10,000] 5,001- 0,000	50,001- 100,000	OVER 100,000		
Estimated Assets	\$1,000,001 \$10,000,001 to \$10 to \$50 million	to \$100 to] 100,000,001 \$500 illion	\$500,000,001 to \$1 billion	More than \$1 billion		
Estimated Liabilities	\$1,000,001 \$10,000,001 to \$10 to \$50	\$50,000,001 \$1 to \$100 to] 100,000,001 \$500	\$500,000,001 to \$1 billion			

Case 10-16617-bam Doc 1 Entered 04/15/10 22:11:58 Page 2 of 12

BI (Official For	III 1)(4/10)		rage 2	
Voluntar	•	Name of Debtor(s): McSwain, Edward Lawrence		
(This page mu	st be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last	McSwain, Laura	dditional shoot)	
Location	An Prior Dankrupicy Cases Flied Within Last	Case Number:	Date Filed:	
Where Filed:	- None -			
Location Where Filed:		Case Number:	Date Filed:	
Pe	nding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more tha	n one, attach additional sheet)	
Name of Debt - None -	or:	Case Number:	Date Filed:	
District:		Relationship:	Judge:	
	Exhibit A		xhibit B	
forms 10K a pursuant to S	eleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)	(To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).		
☐ Exhibit	A is attached and made a part of this petition.	X /s/ C. Andrew Wariner, S		
		Signature of Attorney for Debtor(s C. Andrew Wariner, SBN		
	Exh	ibit C		
Does the debto	r own or have possession of any property that poses or is alleged to	pose a threat of imminent and identifiable	e harm to public health or safety?	
☐ Yes, and ☐ No.	Exhibit C is attached and made a part of this petition.			
	Exh	ibit D		
-	leted by every individual debtor. If a joint petition is filed, ear D completed and signed by the debtor is attached and made and petition:	•	a separate Exhibit D.)	
E xhibit	D also completed and signed by the joint debtor is attached a	and made a part of this petition.		
	Information Regardin	=		
(Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180				
days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.				
Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.				
	Certification by a Debtor Who Reside (Check all app		rty	
	Landlord has a judgment against the debtor for possession	of debtor's residence. (If box checked	, complete the following.)	
	(Name of landlord that obtained judgment)	<u> </u>		
	(Address of landlord)			
	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment for			
	Debtor has included in this petition the deposit with the coafter the filing of the petition.	urt of any rent that would become du	e during the 30-day period	
-	Debtor certifies that he/she has served the Landlord with the	nis certification. (11 U.S.C. § 362(l)).		

B1 (Official Form 1)(4/10)

Voluntary Petition

(This page must be completed and filed in every case)

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

▼ /s/ Edward Lawrence McSwain

Signature of Debtor Edward Lawrence McSwain

X /s/ Laura McSwain

Signature of Joint Debtor Laura McSwain

Telephone Number (If not represented by attorney)

April 15, 2010

Date

Signature of Attorney*

X /s/ C. Andrew Wariner, SBN:

Signature of Attorney for Debtor(s)

C. Andrew Wariner, SBN: 003228

Printed Name of Attorney for Debtor(s)

C. Andrew Wariner, Esq.

Firm Name

823 Las Vegas Blvd., South Suite 500 Las Vegas, NV 89101

Address

Email: awariner@lvbklaw.com (702) 953-0404 Fax: (702) 989-5388

Telephone Number

April 15, 2010

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

Name of Debtor(s):

McSwain, Laura

McSwain, Edward Lawrence

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

B 1D (Official Form 1, Exhibit D) (12/09)

United States Bankruptcy Court District of Nevada

	Edward Lawrence McSwain			
In re	Laura McSwain		Case No.	
		Debtor(s)	Chapter	13

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] ____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

1D (Official Form 1, Exhibit D) (12/09) - Cont. Pag	ge 2
☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable	
tatement.] [Must be accompanied by a motion for determination by the court.]	
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or	
mental deficiency so as to be incapable of realizing and making rational decisions with respect to	
financial responsibilities.);	
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being	
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, o	r
through the Internet.);	_
☐ Active military duty in a military combat zone.	
□ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling equirement of 11 U.S.C. § 109(h) does not apply in this district.	
I certify under penalty of perjury that the information provided above is true and correct.	
Signature of Debtor: /s/ Edward Lawrence McSwain Edward Lawrence McSwain	
Date: April 15, 2010	

Certificate Number:	02910-NV-CC-010631916
zertificate Number:	02710-1 \ \ - CC-010031710

CERTIFICATE OF COUNSELING

I CERTIFY that on April 15, 2010	, at	9:37	o'clock PM EDT,			
Edward McSwain		received f	rom			
InCharge Education Foundation, Inc.						
an agency approved pursuant to 11 U.S.C. §	111 to	provide credit co	ounseling in the			
District of Nevada	, ar	n individual [or	group] briefing that complied			
with the provisions of 11 U.S.C. §§ 109(h) and 111.						
A debt repayment plan was not prepared If a debt repayment plan was prepared, a copy of						
the debt repayment plan is attached to this c	ertificat	e.				
This counseling session was conducted by i	nternet		·			
Date: April 15, 2010	Ву	/s/Tony Gonzale	ZZ			
	Name	Tony Gonzalez				
	Title	Certified Bankru	uptcy Counselor			

^{*} Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. *See* 11 U.S.C. §§ 109(h) and 521(b).

B 1D (Official Form 1, Exhibit D) (12/09)

United States Bankruptcy Court District of Nevada

	Edward Lawrence McSwain		C N	
In re	Laura McSwain		Case No.	
		Debtor(s)	Chapter	13

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

B 1D (Official Form 1, Exhibit D) (12/09) - Cont.	Page 2
☐ 4. I am not required to receive a credit coustatement.] [Must be accompanied by a motion for a	unseling briefing because of: [Check the applicable determination by the court l
☐ Incapacity. (Defined in 11 U.S.C.	§ 109(h)(4) as impaired by reason of mental illness or ealizing and making rational decisions with respect to
☐ Disability. (Defined in 11 U.S.C. §	§ 109(h)(4) as physically impaired to the extent of being in a credit counseling briefing in person, by telephone, or combat zone.
☐ 5. The United States trustee or bankruptcy requirement of 11 U.S.C. § 109(h) does not apply in	y administrator has determined that the credit counseling in this district.
I certify under penalty of perjury that the	e information provided above is true and correct.
Signature of Debtor:	/s/ Laura McSwain
Date: April 15, 2010	

Certificate Number: 02910-NV-CC-010631915

CERTIFICATE OF COUNSELING

I CERTIFY that on April 15, 2010	, at	9:37	o'clock PM EDT,		
Laura McSwain		received fi	rom		
InCharge Education Foundation, Inc.			,		
an agency approved pursuant to 11 U.S.C. §	111 to	provide credit co	ounseling in the		
District of Nevada	, ar	n individual [or §	group] briefing that complied		
with the provisions of 11 U.S.C. §§ 109(h) a	and 111.				
A debt repayment plan was not prepared If a debt repayment plan was prepared, a copy of					
the debt repayment plan is attached to this c	ertificat	e.			
This counseling session was conducted by i	nternet		·		
Date: April 15, 2010	Ву	/s/Tony Gonzalez	Z		
	Name	Tony Gonzalez			
	Title	Certified Bankru	ptcy Counselor		

^{*} Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. *See* 11 U.S.C. §§ 109(h) and 521(b).

Edward Lawrence McSwain Laura McSwain 12083 Whitehills Street Las Vegas, NV 89141

C. Andrew Wariner, SBN:
C. Andrew Wariner, Esq.
823 Las Vegas Blvd., South
Suite 500
Las Vegas, NV 89101

BANK OF AMERICA Acct No 0694 PO BOX 1598 NORFOLK, VA 23501

BANK OF AMERICA Acct No 5771 PO BOX 17054 WILMINGTON, DE 19850

CAPITAL ONE
Acct No xxxxxxxx1779
PO BOX 85520
RICHMOND, VA 23285

CHASE
Acct No xxxxxxxx0650
PO BOX 15298
WILMINGTON, DE 19850

CHASE - TJX
Acct No xxxxxxxx0357
800 BROOKSEDGE BLVD
WESTERVILLE, OH 43081

CLARK COUNTY TREASURER c/o BANKRUPTCY DEPT 500 S. GRAND CENTRAL PARKWAY BOX 551220 LAS VEGAS, NV 89155-1220

COMMUNITY BANK OF NEVADA 8945 W RUSSELL ROAD SUITE 300 LAS VEGAS, NV 89148

DEPT OF EMPLOYMENT, TRAINING & REHAB EMPLOYMENT SECURITY DIVISION 500 EAST THIRD STREET CARSON CITY, NV 89713

ELKO COUNTY COLLECTIONS Acct No xxxxxxxxx8600 569 COURT STREET ELKO, NV 89801

INTERNAL REVENUE SERVICE P.O. BOX 21126 DPN 781 PHILADELPHIA, PA 19114

JERRY AND MARGARET LIVING TRUST 10629 SHOELHAVEN AVE LAS VEGAS, NV 89134

NEVADA DEPT OF TAXATION BANKRUPTCY SECTION 555 E. WASHINGTON AVENUE, #1300 LAS VEGAS, NV 89101

SEARS/CBSD Acct No xxxxxxxxxxx5200 PO BOX 6189 SIOUX FALLS, SD 57117

STATE OF NV DEPT OF MOTOR VEHICLES ATTN: LEGAL DIVISION 555 WRIGHT WAY CARSON CITY, NV 89711

US BANK, NA, N.D. Acct No xxxxxxxxxx4683 4325 17th AVE S FARGO, ND 58125

WELLS FARGO BANK Acct No xxxxxxxxxxxx1998 PO BOX 4233 PORTLAND, OR 97208

WELLS FARGO BANK, N.A. Acct No xxxxxxxxxxxx0001 PO BOX 31557 BILLINGS, MT 59107

WELLS FARGO BANK, NV, NA Acct No xxxxxxxxxxxx1998 PO BOX 31557 BILLINGS, MT 59107

WELLS FARGO HOME MORTGAGE Acct No xxxxxxxxx3495 8480 STAGECOACH CIRCLE FREDERICK, MD 21701 WELLS FARGO HOME MORTGAGE Acct No xxxxxxxxxxxx0001 PO BOX 10335 DES MOINES, IA 50306